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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,117	11/28/2001	Mark Maggenti	000211D12	3457

23696 7590 04/21/2004

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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See Attachments

Office Action Summary

Application No.

09/997,117

Applicant(s)

MAGGENTI ET AL.

Examiner

THUAN T. NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12,14-22 and 24-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,14-22 and 24-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

Remark

2. Claims 3, 13, and 23 were canceled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 11, 21, 31, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Sigler et al. (US Patent 5,717,830).

Regarding claims 1, 11, 21, 31, and 41, Sigler discloses a system and its corresponding method in a communication device, comprising “a method for maintaining user information in a group communication, further comprising maintaining information about a net in the group communication network and maintaining information about a user in the net” as well as a memory unit and a processor coupled to the memory unit for maintaining information as cited, i.e., database storage for users under control of NCC using a group controller (col. 5/lines 43-52) and Net IDs are used for handling information about a net (col. 16/lines 35-60), and maintaining information about a user in the net (col. 10/lines 9-67 as the controller oversees the operation

Art Unit: 2685

including user account and billing information as well as assigning or authorizing users within a closed user group or a private group).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4-10, 12, 14-20, 22, 24-30, and 32-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigler et al. (U.S. Patent No. 5,717,830/ or "Sigler" hereinafter) in view of Farris et al. (US Patent 5,881,131).

Regarding claims 2, and 4-10, Sigler discloses an exact system and method for a push-to-talk communication device to participate in a group communication net over a distributed network (Figs 1 & 9 for including other networks such as PSTN, MTS, private networks even to LAN and WAN networks including the Internet with IP or TCP/IP of the Internet are addressed in col. 1/lines 14-20 for satellite communication network, col. 3/line 64 to col. 4/line 11 for LAN/WAN, col. 13/lines 38-43 for mobile network, and in the Glossary, col. 44 & 49 for IP and TCP/IP); within the communication system, Sigler discloses a technique for maintaining user information in a group communication network, comprising maintaining information about a net in the group communication network (Net IDs are used for handling information about a net, col. 16/lines 35-60), and maintaining information about a user in the net (col. 10/lines 9-67 as the

Art Unit: 2685

controller oversees the operation including user account and billing information as well as assigning or authorizing users within a closed user group or a private group); and wherein the group communication system including a (group) controller to manage the group communication net and interfacing with push-to-talk communication device (col. 10/lines 10-24 & col. 17/line 25 to col. 18/line 8), including the method of handling or processing packet data with a transmitter and receiver to send and receive packet data (col. 35/lines 20-24 as user routes messages using Mobile Packet Data Service), further including a user activated mechanism for user to activate the transmitter or the push-to-talk communication device for transmitting the mentioned packet data (PTT button is used for activating the push-to-talk communication, col. 19/line 40 to col. 20/line 7) as well as the communication device is wireless (Fig. 1, and col. 16/line 61 to col. 17/line 7 for mobile users addressed), including a memory within the wireless device (for storing ID into a memory, in col. 21/lines 8-15), and a database for storing packet data for until the controller is ready to receive the packet data (Fig. 3 for a data hub in handling MET user packet switched); a controller as NOC oversees the operation of the system in managing and controlling system resources regarding the group communication net (Figs. 3-4, 8-9, and col. 3/line 64 to col. 4/line 3) further including a priority service (col. 20/lines 8-15) such that the priority is dynamically configurable in a manner that an interruption can occur for users with more priority requests (col. 9/lines 45-64 & col. 36/lines 44-67 for priority and dynamic features) and a secure mode (col. 26/line 54 to col. 28/line 55 for encryption and techniques for ensuring anti-fraud acts and securing technique with encryption algorithm); the communication device further including identification information, as well as a cellular ESN for identifying each mobile user by identification updates or matching that ESN to home cellular carrier (col. 34/lines

Art Unit: 2685

33-37), and updated information can be done or changed with new information (col. 20/lines 23-34 & Fig. 9 for mobile users in different nets), and wherein the group communication net is capable of offering, and with the user's activation prompting the controller to activate the group communication net (col. 30/line 54 to col. 32/line 25 for standby modes).

Applicants argues that, Sigler does not show "a net being secure or clear" per claims 2, 12, 22, and 32; "a net address" per claims 4, 14, 24, and 34; "net information identifying an arbitration scheme" per claims 5, 15, 25, and 35; "user information indicating whether a user is talking or listenting" per claims 6, 16, 26, and 36; "a user priority" per claims 7, 17, 27, and 37; "user having privilege to modify the information about the net" per claims 8, 18, 28, and 38; "user IP address" per claims 9, 19, 29, and 39; "identifying existing nets the user is authorized to participate in" per claims 10, 20, 30, and 40; yet Sigler discloses the user priority as noted above, whether the user is active or engaged in a conversation or participate into a group is noted above, yet "a secure net or clear net" might not be clear with "a net address"; however, these techniques are taught by Farris as Farris provides a telecommunication network with a secure net and network addresses are used for identifying users within the net (Farris, Figs. 25 & 28, and col. 17/line 26 to col. 18/line 58 & col. 51/lines 22-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sigler's system with techniques taught by Farris in order to obtain a better and enhanced communication system that offers a secure network and using net address for identifying users within the network as claimed.

Art Unit: 2685

Conclusion

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

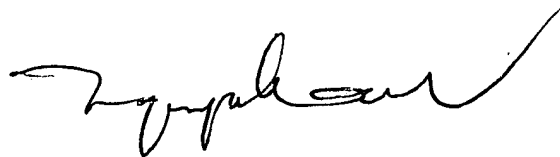
or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

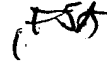
*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.



**TONY T. NGUYEN
PATENT EXAMINER**



Tony T. Nguyen
Art Unit 2685
April 15, 2004